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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR.JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 25 of 1999

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Between:

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Chinkallapalle Grampanchayat
Represented by its President,
Smt.Kodali Merimma.

....**PETITIONER**

AND

1. The Revenue Divisional Officer,
Bandar, Krishna District.
2. Mandal Revenue Officer,
Ghantasala Mandal, Krishna District.
3. Commissioner of Social Welfare,
Hyderabad.
4. The Nodal Officer,
Ghantasala Mandal, Krishna District.
5. The District Collector,
Krishna District, Machilipatnam.

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RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the impugned action of the 1st respondent vide proceeding No.RC.B.2309 of 1998, dated 22-12-1998 as illegal, arbitrary without jurisdiction and unconstitutional by issuing consequential direction to implement the resolution dated 30-09-1997 pertaining to Sy.No.87/2 of China Kallepalli Gram Panchayat, Ghantasal Mandal, Krishna District.

Counsel for the Petitioner: MR.V.Ch.NAIDU

Counsel for the Respondents : G.P. FOR REVENUE

The Court made the following:

ORAL ORDER:

The Chinkallapalle Grampanchayat, represented by its President has filed this writ petition, questioning the proceedings dated 22-12-1998 issued by the Revenue Divisional Officer, Bandar, Krishna District.

By the said proceedings, it was decided to construct a School building in the vacant site in R.S.No.87/2 of Chinkallapalle Village.

However, it appears that there are two groups in the village. One group was headed by Sarpanch and another group was headed by Upa-Sarpanch and both had placed different proposals to undertake construction of a building in the "Janmabhoomi Programme" with the donation given by one Pinnamaneni Lenin, Non-resident Indian, who has donated Rs.2.5 lakhs for construction of School building. The group headed by Upa-Sarpanch has requested to construct a School building and the group headed by Sarpanch has requested to construct a Community Hall.

The Revenue Divisional Officer, after conducting detailed inquiry has decided to construct a School building in the vacant site in Sy.No.87/2, which is nearer to internal road, and which is ideal site for School building.

When the petitioner has questioned, this Court by order dated 29-04-1999 granted interim stay of all further proceedings provided construction of School building is not commenced. Now, in the counter-affidavit filed on behalf of the respondents, it is stated that pursuant to proceedings dated 22-12-1998, School building was constructed and School is also being run in the said building.

Whether the site is suitable for construction of a School building or not, is a matter to be considered by the respondents-authorities, taking into

account the availability of funds etc. It is not a matter for this Court to decide in a petition filed under Article 226 of Constitution of India. Moreover, it is stated in the counter-affidavit that School building was already constructed in Sy.No.87/2 and that School is also being run in that site. In that view of the matter, I do not find any ground to interfere at this stage.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

ASSISTANT REGISTRAR.

//TRUE COPY//

SECTION OFFICER.

TO

1. The Revenue Divisional Officer,
Bandar, Krishna District.
2. Mandal Revenue Officer,
Ghantasala Mandal, Krishna District.
3. Commissioner of Social Welfare,
Hyderabad.
4. The Nodal Officer,
Ghantasala Mandal, Krishna District.
5. The District Collector,
Krishna District, Machilipatnam.
6. Two C.D. Copies.
7. Two C.Cs to Govt.Pleader for Revenue,
High Court of A.P., Hyderabad, (OUT).

TSNR/LSK

THE HON'BLE MR.JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO: 25 of 1999

Dated: 16-06-2004